

INTERGOVERNMENTAL AGREEMENT

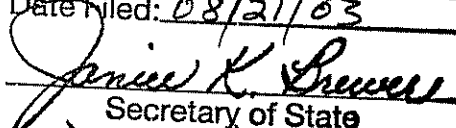
BETWEEN
THE STATE OF ARIZONA
AND
CITY APACHE JUNCTION

THIS AMENDMENT is entered into 21st. August, 2003, **Amendment Number 1** to JPA 02-163, AG Contract No.: KR02-2051TRN, filed with the Secretary of State under No 25970, pursuant to Arizona Revised Statutes Sections 11-951 through 11-954, as amended between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF APACHE JUNCTION, acting by and through its MAYOR AND CITY COUNCIL, the (City).

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.
3. Congress has authorized appropriations for, but not limited to, the design and construction of streets and primary, feeder and farm-to-market roads; the replacement of bridges; the elimination of roadside obstacles; and the application of pavement markings.
4. Such project within the boundary of the City has been selected by the City; the field survey of the project has been completed; and the plans, estimates and specifications have been prepared and, as required, submitted to the Federal Highway Administration ("FHWA") for approval.
5. The only interest of the State in this project is in the acquisition of Federal Funds for the use and benefit of the City by reason of federal law and regulations under which funds for the project are authorized to be expended.

The parties desire to amend the above referenced Agreement to affirm that the State is the designated authorized agent for the City of Apache Junction under Article II 1.a. and delete paragraph 7 & 8.

#0/
NO. 25970
Filed with the Secretary of State
Date Filed: 08/21/03

Secretary of State

By: Darryl D. Haeneuwald

THIS AGREEMENT IS AMENDED AS FOLLOWS:

Article II, 1 a. is deleted and replaced with the following language:

a. If such project is approved for construction by FHWA and the funds are available for construction, The City will and does hereby designate the State as authorized agent for the City. The State hereby agrees to be authorized agent for the City, with the aid and consent of the City and the FHWA will proceed to advertise for, receive and open bids, and subject to the concurrence of FHWA and the State, enter into a contract(s) with a firm(s) to whom the award is made for the construction of the project, such project to be performed, completed, accepted and paid for in accordance with the requirements of applicable standards and guidelines. The State will enter into a Project Agreement with FHWA covering the work embraced in said construction contract and will request the maximum federal funds available

Article II, 7. & 8. Have been deleted

EXCEPT AS AMENDED HEREIN, ALL OTHER Terms And Conditions Of The Original Agreement Remain In Full Force And Effect.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF APACHE JUNCTION

By 
DOUGLAS COLEMAN
Mayor

STATE OF ARIZONA
Department of Transportation

By 
SUSAN TELLEZ
Contract Administrator

ATTEST

By 
KATHY CONNELLY
City Clerk

APPROVAL OF THE CITY OF APACHE JUNCTION ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF APACHE JUNCTION and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 18th day of JULY, 2003

A handwritten signature in black ink, appearing to be 'AR', is written over a horizontal line.

CITY
Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-2051TRN (JPA 02-163), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED August 14, 2003.

TERRY GODDARD
Attorney General

A handwritten signature in cursive script that reads "Susan E. Davis". The signature is written in dark ink and is positioned above the printed name of the signatory.

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ss

att.